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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,005	08/29/2003	Darwin Mitchel Hanks	200209014-1	9907

22879 7590 09/11/2006

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EXAMINER

GOMA, TAWFIK A

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,005	Applicant(s) HANKS, DARWIN MITCHEL	
	Examiner Tawfik Goma	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-8 in the reply filed on 7/4/2006 is acknowledged. Applicant presented persuasive arguments pertaining to the Species restrictions, which the examiner agrees with. Applicant's partially traversed the species restriction, such that there are three inventions, Invention I which is Species E (and Species C/D), related to claims 1-8; Invention II encompassing Species F (and Species C/D), related to claims 9-19; and Invention III encompassing Species A and B (and Species C/D), related to claims 20-24. Applicant has acknowledged that there are at least three patentably distinct inventions on page 9 of the response; therefore the election has been treated as an election without traverse.

Claims 9-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/4/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Leheureau et al (4025784).

Regarding claim 1, Lehureau a method of focus control, comprising: passing a light source beam over a reflectivity change on a storage media and on to a leading photo sensor(5, fig. 3 and fig. 10) and a trailing photo sensor (4, fig. 3 and fig. 10); determining whether the leading photo sensor or the trailing photo sensor had a first change in reflectivity (figs. 4 and 5); if the leading sensor experienced the first change in reflectivity, then adjusting a focus actuator to move a focus lens farther from the storage media (fig. 5 and col. 3 lines 25-32); and if the trailing sensor experienced the first change in reflectivity, then adjusting the focus actuator to move the focus lens closer to the storage media (fig. 4 and col. 3 lines 16-24).

Regarding claim 2, Lehureau discloses a method further comprising: if the trailing sensor and the leading sensor experienced a change in reflectivity at substantially the same time, then leaving the focus lens in a current location (figs. 1 and 6 and col. 1 lines 16-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehureau et al (US 4025784) in view of Lehureau (US 2004/0027964).

Regarding claim 3, Lehureau '784 fails to disclose wherein the storage media is selected from the group consisting of compact discs and digital versatile discs. In the

same field of endeavor, Lehreau '964 discloses a similar focusing device used for a CD (pars. 4 and 9). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device disclosed by Lehreau '784 by using it with a CD or DVD as taught by Lehreau '964. The rationale is as follows: One of ordinary skill in the art would have been motivated to use the focusing device for a CD or DVD in order to use a disc with greater storage capacity (see '964, par. 2)

Regarding claim 4, Lehreau '964 further discloses wherein the storage media is a removable storage media (pars. 4 and 9).

Regarding claims 6-8, Lehreau '784 fails to disclose wherein: the leading photo sensor comprises a first pair of photo sensors from a quadrature photo sensor; and the trailing photo sensor comprises a second pair of photo sensors from the quadrature photo sensor. In the same field of endeavor, Lehreau '784 discloses a quadrature photodetector for focusing, wherein a first pair and a second pair are leading and lagging detectors (fig. 12 and par. 61). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device disclosed by Lehreau '784 with the quad-photodetector disclosed by Lehreau '964. The rationale is as follows: One of ordinary skill in the art would have been motivated to provide a quad-photodetector in order to allow for calculation of a push-pull tracking error signal as well as a focusing error signal with the same detector ('964, par. 61)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehreau (US 4025784) in view of Freeman (US 6901598).

Regarding claim 5, Lehreau fails to disclose wherein the optical disc is a non-removable disc. In the same field of endeavor, Freeman discloses wherein an optical disc used in a focus mechanism can be either removable or nonremovable (col. 1 lines 26-32). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device disclosed by Lehreau to use with a nonremovable disc. The rationale is as follows: One of ordinary skill in the art would have been motivated to use a nonremovable disc in order to prevent corruption or damage to a disc used for data storage.


Conclusion

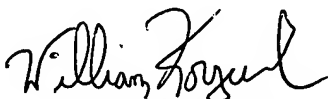
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


T. Goma
8/28/2006


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